

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TYRONE ALLEN, LORIANN STEVENS and RAYVAR WILLIAMS

DEFENDANTS

GREYHOUND LINES, INC.

(b) County of Residence of First Listed Plaintiff **FORSYTH**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **WAYNE**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

GEOFFREY N. FIEGER (P30441); ROBERT N. HESTON (P63934)
FIEGER, FIEGER, KENNEY, GIROUX, DANZIG & HARRINGTON, P.C.
19390 WEST TEN MILE ROAD, SOUTHFIELD, MI 48075; (248) 355-5555

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S. Code 1332

Brief description of cause:

Roll-over motor vehicle accident involving a commercial vehicle

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE **FRIEDMAN**

DOCKET NUMBER **13-CV-14535**

DATE February 12, 2014 SIGNATURE OF ATTORNEY OF RECORD

Robert N. Heston

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

1. Is this a case that has been previously dismissed? ☒ Yes
☐ No
- If yes, give the following information:

Court: USDC, WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

Case No.: 13-cv-01374

Judge: Robert J. Jonker

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.) ☒ Yes
☐ No

If yes, give the following information:

Court: USDC, EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

Case No.: 13-cv-14535

Judge: Bernard A. Friedman

Notes : CASE WAS INITIALLY ERRONEOUSLY FILED IN WESTERN DISTRICT.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TYRONE ALLEN, LORIANN STEVENS,
and RAYVAR WILLIAMS,

Plaintiffs,

Case No.
Hon.

v

GREYHOUND LINES, INC.,

Defendant.

Geoffrey N. Fieger (P30441)
Robert N. Heston (P63934)
James J. Harrington, IV (P65351)
Attorneys for Plaintiff
Fieger, Fieger, Kenney, Giroux, Danzig
& Harrington, P.C.
19390 West 10 Mile Rd.
Southfield, MI 48075
(248) 355-5555
Fax: (248) 355-5148

COMPLAINT AND DEMAND FOR TRIAL BY JURY

There is another other civil action (Burton v. Greyhound Lines)
Case #13-cv-14535) currently before the Honorable Bernard
Friedman arising out of the same transaction or occurrence as
alleged in this complaint.

/s/ Robert N. Heston
Robert N. Heston (P63934)

NOW COME Plaintiffs by and through their attorneys, FIEGER, FIEGER, KENNEY, GIROUX, DANZIG & HARRINGTON, P.C., for their Complaint against Defendant, stating the following:

JURISDICTIONAL ALLEGATIONS

1. At all times relevant to this lawsuit, Plaintiff, Tyrone Allen, was a resident of Winston-Salem, North Carolina.
2. At all times relevant to this lawsuit, Plaintiff, Lorianne Stevens, was a resident of Halladay, Tennessee.
3. At all times relevant to this lawsuit, Plaintiff, Rayvar Williams, was a resident of Detroit, Michigan.
4. In all times relevant hereto, Defendant, Greyhound, Inc., was, and is, a Texas Corporation, continuously and systematically doing business in the City of Detroit, County of Wayne, State of Michigan.
5. The acts, transaction, and occurrence giving rise to this cause of action occurred within the confines of the State of Ohio.
6. The amount in controversy greatly exceeds the sum Seventy-Five Thousand (\$75,000) Dollars, exclusive of costs, interest, attorney fees, punitive and exemplary damages.
7. Jurisdiction is properly vested with this court.
8. Ohio substantive law is applicable to Plaintiffs' claim.

FACTUAL ALLEGATIONS

9. Plaintiffs hereby restate and re-allege each and every allegation contained within paragraphs 1-8 as if fully set forth herein.
10. On September 13, 2013, at approximately 10:15 p.m., Plaintiffs boarded the Greyhound

Bus located in Lexington, Kentucky.

11. Plaintiffs' final destination was the City of Detroit, State of Michigan.
12. Plaintiffs were all passengers in the bus at the time of this incident.
13. At all times relevant, Defendant, Greyhound Lines, Inc., was the owner of the subject bus in which all Plaintiffs were passengers.
14. At all times relevant, Defendant, Greyhound Lines, Inc., was the employer of Dwayne Garrett, who was the bus driver of the subject Greyhound bus.
15. At all times relevant, Dwayne Garrett was driving the above-described Greyhound bus at the expressed or implied consent of the owner, Defendant, Greyhound Lines, Inc.
16. Defendant, Greyhound Lines, Inc., is liable to all Plaintiffs for the negligent acts of its employees, specifically employee, Dwayne Garrett, by the doctrine of respondeat superior, vicarious liability.
17. On September 14, 2013, at approximately 3:45 a.m., Dwayne Garret, while acting within the course of the scope of his employment with Defendant, Greyhound Lines, Inc., was traveling northbound on I-75, near Liberty Township, Ohio.
18. On September 14, 2013, at approximately 3:45 a.m., Dwayne Garrett, while acting within the course of the scope of his employment with Defendant, Greyhound Lines, Inc., lost control of the Greyhound bus that he was operating, causing the vehicle to leave the roadway and roll-over multiple times, and eventually crashing into a tree.
19. Plaintiffs suffered serious and permanent bodily injuries as a direct and proximate result of Dwayne Garrett losing control of the bus, causing it to roll-over several times.

COUNT I

NEGLIGENCE/GROSS NEGLIGENCE AGAINST DEFENDANT, GREYHOUND LINES, INC.

20. Plaintiff reasserts and re-alleges each and every allegation set forth in paragraphs one 1

through 19 as if fully set forth herein.

21. At the time of the accident, Defendant, Greyhound Lines, Inc., and employees of Defendant, Greyhound Lines, Inc., owed certain duties, including a heightened duty of care as a common carrier, to the general public, and in particular, to Plaintiffs, to operate a motor vehicle under a reasonable, prudent and safe manner so as to avoid unnecessary injuries to the Plaintiffs.
22. At the time of the incident, Defendant, Greyhound Lines, Inc., breached the above duties when Dwayne Garrett, driver of the subject Greyhound bus, operated the bus in a negligent, grossly negligent, reckless, careless, willful, and wanton manner, in the following ways including, but not limited to:
 - a. Driving a vehicle upon a public highway in a willful and/or wanton disregard for the safety of others;
 - b. Falling asleep or otherwise being distracted as he operated the vehicle on I-75;
 - c. Failure to properly rest, or otherwise prepare, for a bus trip requiring late travel through the night;
 - d. Failing to operate a vehicle without reasonable control in violation of ORC and Section 4511.202;
 - e. Operating a vehicle in an unreasonable speed in violation of ORC and Section 4511.202;
 - f. Failing to keep a sharp and careful lookout and to be attentive to traffic conditions;
 - g. Failing to exercise due care to avoid colliding with oncoming traffic while making a left-hand turn;
 - h. Failing to drive as a reasonable and prudent person under the circumstances;
 - i. Failing to take appropriate, evasive actions;
 - j. Operating an automobile on a public street in a manner which endangered persons and property lawful in and on the street;
 - k. Driving at a speed in excess of the conditions existing at the time of the crash;

- l. Carelessly driving a vehicle upon a public roadway in violation of applicable law;
 - m. Failure to keep the vehicle under control;
 - n. Failure to take evasive actions so as to avoid a collision;
 - o. Negligently driving a vehicle upon a public highway in a willful and/or wanton disregard for the safety of others;
 - p. Failure to properly warn or advise the passengers of the Greyhound bus line of a possible or impending crash; and
 - q. Other violations revealed during the discovery process.
23. At all times relevant, Defendant, Greyhound Lines, Inc., and its employees including, but not limited to, Dwayne Garrett, acted with a substantial disregard for whether injury would occur, or otherwise in a grossly negligent manner.
24. As a direct result of Defendant, Greyhound Lines, Inc., (and its employees including, but not limited to, Dwayne Garrett) negligence and gross negligence, Plaintiffs suffered, and will continue to suffer, from severe and permanent injuries.

COUNT II

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

25. Plaintiff reasserts and re-alleges each and every allegation set forth in paragraphs one 1 through 24 as if fully set forth herein.
26. As a result of the Greyhound bus driving off the highway, rolling over, and ultimately crashing, all Plaintiffs were injured.
27. Each Plaintiff witnessed, and was directly involved in this serious, life-threatening collision, which was of such a nature as to cause severe mental and emotional disturbances to each of them.
28. The shock from the collision has caused Plaintiffs to suffer from stress, anxiety, fear,

tearfulness, trembling, and all damages set forth in Count I of the Complaint.

29. All Plaintiffs were on the Greyhound bus at the time of the crash.
30. Each and every Plaintiff has suffered serious emotional distress as they were unable to cope adequately with the mental distressing gendered by the circumstances of the subject crash.
31. It was reasonably foreseeable that each Plaintiff would suffer serious emotional distresses resulting from Defendant's conduct.
32. The serious emotional distress suffered by each and every Plaintiff was a direct result of being a bystander to the crash, involved in the crash, and was placed in fear of actual physical peril during the crash.

WHEREFORE, Plaintiffs respectfully request this honorable Court enter Judgment in their favor and against Defendant in an amount in excess of Seventy-Five Thousand (\$75,000) Dollars and award costs, interest, attorney fees and exemplary damages so wrongfully incurred.

Respectfully submitted by:

/s/ Robert N. Heston

GEOFFREY N. FIEGER (P30441)

ROBERT N. HESTON (P63934)

JAMES J. HARRINGTON, IV (P65351)

Attorneys for Plaintiff

Fieger, Fieger, Kenney, Giroux, Danzig
& Harrington, P.C.

19390 W. Ten Mile Rd.

Southfield, MI 48075

(248) 355-5555

Dated: February 12, 2014

DEMAND FOR TRIAL BY JURY

NOW COME Plaintiffs by and through their attorneys, FIEGER, FIEGER, KENNEY, GIROUX, DANZIG & HARRINGTON, P.C., and hereby request a trial by jury in the above-captioned matter.

Respectfully submitted by:

/s/ Robert N. Heston

GEOFFREY N. FIEGER (P30441)

ROBERT N. HESTON (P63934)

JAMES J. HARRINGTON, IV (P65351)

Attorneys for Plaintiff

Fieger, Fieger, Kenney, Giroux, Danzig
& Harrington, P.C.

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Southfield, MI 48075

(248) 355-5555

Dated: February 12, 2014

PROOF OF SERVICE

I hereby certify that on February 12, 2014, I electronically served Plaintiffs' Complaint, Demand for Trial by Jury, and this Proof of Service, using the Court's electronic filing system which will send notification to all counsel of record.

I declare under penalty of perjury that the above information is accurate to the best of my understanding and belief.

/s/ Nicole F. Soulsby

Legal Assistant to Robert N. Heston

Fieger, Fieger, Kenney, Giroux, Danzig & Harrington, P.C.

Dated: February 12, 2014